

REMARKS

Reconsideration of this application is requested in view of the amendments to the claims and the remarks presented herein.


The claims in the application are claims 5, 24, 26 and 27, all other claims having been cancelled.

The Examiner, after considering the appeal brief, was of the opinion that the application was patentable for the reasons set forth therein. However, the Examiner upon a further update of the search for allowance, ran across U.S. Patent No. 6,207,832 and this was called to the undersigned's attention.

The present claims are free from the scope of the Curran et al patent newly cited by the Examiner. While the reference is directed to homocamphothecin derivatives wherein in the 7-position of the reference, Applicants' substituent R_6 is substituted with $-Si(R^8R^9R^{10})$ which is similar to Applicants' substituent R_6 . However, Applicants' claims further define Applicants' substituents R_2 , R_3 and R_4 as at least one being $-OSO_2R_{10}$ and this substituent is completely lacking from the reference cited by the Examiner and therefore, it neither anticipates nor renders obvious Applicants' presently claimed compounds.

Since the claims were initially found to be allowable with the exception of the Curran et al patent, it is believed that the present claims clearly distinguish therefrom and favorable reconsideration of this application is requested.

Respectfully submitted,
Muserlian, Lucas and Mercanti



Charles A. Muserlian, 19,683
Attorney for Applicants
Tel.# (212) 661-8000

CAM:ds
Enclosures